#### JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Galveston District

**FILE NUMBER: 13631(02)** 

## PROJECT LOCATION INFORMATION:

State: Texas County: Cameron

Center coordinates of site (latitude/longitude): 26-4-22.9440 97-10-3.036 Approximate size of area (parcel) reviewed, including uplands: approx. 1.19 acres.

Name of nearest waterway: Laguna Madre Name of watershed: Laguna Madre

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 5 April 2005
Site visit(s) Date(s):

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: approximately 1.19 acre.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The Laguna Madre is a navigable water and the GIWW a federal channel is located within the Laguna Madre. In addition the project site is subject to the ebb and flow of the tide.

T	to a company of the c			FILE NUMBER: 13631(02
	clear, natural line impressed on the bank		gh ]	Tide Line indicated by: oil or scum line along shore objects
	the presence of litter and debris changes in the character of soil	X		fine shell or debris deposits (foreshore) physical markings/characteristics
	destruction of terrestrial vegetation			tidal gages
	shelving other:		]	other:
	outer.			
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ veget	tation	n 1	ines/changes in vegetation types.
ij	Wetland boundaries, as shown on the attached wetland delinea	tion n	m	ap and/or in a delineation report prepared by:
Bas	sis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands.			
	Unable to confirm the presence of waters in 33 CFR part 328(a	)(1, 2	2,	or 4-7).
	Headquarters declined to approve jurisdiction on the basis of 3	3 CFI	R	part 328.3(a)(3).
	The Corps has made a case-specific determination that the follounited States:	owing	g	waters present on the site are not Waters of the
	Waste treatment systems, including treatment ponds or	lagoo	on	is, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to uplan	d if th	hε	e irrigation ceased.
	Artificial lakes and ponds created by excavating and/or	dikin	ng	dry land to collect and
	retain water and which are used exclusively for such purice growing.	irpose	es	as stock watering, irrigation, settling basins, or
	Artificial reflecting or swimming pools or other small of	rnam	ne	ntal bodies of water created
	by excavating and/or diking dry land to retain water for Water-filled depressions created in dry land incidental t	prim	na	rily aesthetic reasons.
	Water-filled depressions created in dry land incidental the purpose of obtaining fill, sand, or gravel unless and	until	ns I tl	truction activity and pits excavated in dry land for ne construction or excavation oneration is
	abandoned and the resulting body of water meets the de	finiti	io	n of waters of the United States found at 33 CFR
	328.3(a).			
	Isolated, intrastate wetland with no nexus to interstate c Prior converted cropland, as determined by the Natural			
		11000	-	Conservation Service. Explain rationale.
	Non-tidal drainage or irrigation ditches excavated on dr Other (explain):	y lan	ıd.	. Explain rationale:
	Other (explain):			
	REVIEWED FOR JURSIDICTIONAL DETERMINATION  Maps, plans, plots or plat submitted by or on behalf of the apple			all that apply):
	Data sheets prepared/submitted by or on behalf of the applicant		•	
	☐ This office concurs with the delineation report, dated	, pre	ep	ared by (company):
6759	This office does not concur with the delineation report, dat	ed		, prepared by (company):
	Data sheets prepared by the Corps. Corps' navigable waters' studies:			
410 1300	U.S. Geological Survey Hydrologic Atlas:			
整理	U.S. Geological Survey 7.5 Minute Topographic maps: Port Isa	abel		
	U.S. Geological Survey 7.5 Minute Historic quadrangles:			
题 图 图	U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey:			
Ø	National wetlands inventory maps: Port Isabel			
<u> </u>	State/Local wetland inventory maps:			
	FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD)			
闐	Aerial Photographs (Name & Date):			
	Other photographs (Date):			
	Advanced Identification Wetland maps:			
	Site visit/determination conducted on: Applicable/supporting case law:			
	Other information (please specify):			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

# JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: 23732

DI	2	TE	CT	T	Ω	_	٨	m	11	`1	N.	TP	LT E	7	m	16.4	T 4	T	11	'n	M.	
rr	w	JĽ	C I	ъ.	w	L.	А	. 1	ĸ	л	٦	ш	N	١U.	ж	UV.	LΑ	١ı	и	JI.	٧:	

State: Texas County: Nueces

Center coordinates of site (latitude/longitude): 27-47-25.3315 97.23-28.3654 Approximate size of area (parcel) reviewed, including uplands: approx. 0.3 acres.

Name of nearest waterway: Corpus Christi Bay

Name of watershed: Nueces River

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 13 April 2005
Site visit(s) Date(s):

# Jurisdictional Determination (JD):

	Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or) } \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331).

Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: approximately 0.3 acre.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

## B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

$\boxtimes$	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
_	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Corpus Christi Bay is a navigable water and contains the Corpus Christi Ship Channel and a portion of the GIWW is located within Corpus Christi Bay. In addition the project site is subject to the ebb and flow of the tide.

		FILE NUMBER:	23732
Lat	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other:	ong shore objects s deposits (foreshore)	
髭	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in ve	getation types.	
圈	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delin	neation report prepared b	y:
Bas Bas Bas Bas Bas Bas Bas Bas Bas Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 GARTIFICIAL Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect retain water and which are used exclusively for such purposes as stock watering rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water by excavating and/or diking dry land to retain water for primarily aesthetic reason.  Water-filled depressions created in dry land incidental to construction activity at the purpose of obtaining fill, sand, or gravel unless and until the construction or abandoned and the resulting body of water meets the definition of waters of the 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation.  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationals Other (explain):	t and pits excavated in dry lexical excavation operation is United States found at 3.	ns, or land for 3 CFR
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company This office does not concur with the delineation report, dated , prepared by (company This office does not concur with the delineation report, dated , prepared by (company This office does not concur with the delineation report, dated , prepared by (company This office does not concur with the delineation report, dated , prepared by (company This office does not concur with the delineation report, dated , prepared by (company This office does not concur with the delineation report, dated , prepared by (company This office does not concur with the delineation report, dated , prepared by (company This office does not concur with the delineation report, dated , prepared by (company This office does not concur with the delineation report, dated , prepared by (company This office does not concur with the delineation report, dated , prepared by (company This office does not concur with the delineation report, dated , prepared by (company This office does not concur with the delineation report, dated , prepared by (company This office does not concur up the delineation report, dated , prepared by (company This office does not concur with the delineation report, dated , prepared by (company This office does not concur up the applicant.  Lated This office concurs and the applicant.  Date applicant he applicant.  Date applicant he applicant.  Lated This office does not concur up the delineation report, dated , prepared by (company the prepared by (co	ompany):	8, 1985

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: 21554(01)

Sta Cor Cer App Nar	CT LOCATION INFORMATION: te: Texas unty: Harris nter coordinates of site (latitude/longitude): 29° 44′ 36″N, 95° 11′ 25″W (NAD27) proximate size of area (parcel) reviewed, including uplands: 7.4 acre. ne of nearest waterway: Houston Ship Channel ne of watershed: Buffalo San Jacinto
	DICTIONAL DETERMINATION  mpleted: Desktop determination
Jur	isdictional Determination (JD):
	Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
	OF JURISDICTIONAL DETERMINATION:
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.  (4) Impoundments of waters otherwise defined as waters of the US.
	<ul> <li>(5) The presence of a tributary to a water identified in (1) – (4) above.</li> <li>(6) The presence of territorial seas.</li> </ul>
	(7) The presence of wetlands adjacent <sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.
	ionale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed project is ted in the Houston Ship Channel, a tidally influenced, federally maintained, navigation channel.

La	Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 3	
	Ordinary High Water Mark indicated by:	High Tide Line indicated by:
	clear, natural line impressed on the bank	oil or scum line along shore objects
	the presence of litter and debris	fine shell or debris deposits (foreshore)
	changes in the character of soil	physical markings/characteristics
	destruction of terrestrial vegetation	☐ tidal gages
	shelving	Applicant supplied information.
	other:	
N.	Mean High Water Mark indicated by:	
	⊠ survey to available datum; ☐ physical markings; ☐ vegetal	ion lines/changes in vegetation types.
23	Wetland boundaries, as shown on the attached wetland delineation	on map and/or in a delineation report prepared by:
	Basis For Not Asserting Jurisdiction:	
	The reviewed area consists entirely of uplands.	
4	Unable to confirm the presence of waters in 33 CFR part 328(a)(	I, 2, or 4-7).
2773	Headquarters declined to approve jurisdiction on the basis of 33 c	CFR part 328.3(a)(3).
E0	The Corps has made a case-specific determination that the follow United States:	ing waters present on the site are not Waters of the
	Waste treatment systems, including treatment ponds or la	goons nursuant to 22 CED part 229 2
	Artificially irrigated areas, which would revert to unland	if the irrigation ceased
	Artificial lakes and ponds created by excavating and/or di	king dry land to collect and
	retain water and which are used exclusively for such purp	Oses as stock watering irrigation settling basins or
	rice growing.	or a state was made in secting busins, or
	Artificial reflecting or swimming pools or other small orn	amental bodies of water created
	by excavating and/or diking dry land to retain water for pro-	rimarily aesthetic reasons.
	Water-filled depressions created in dry land incidental to	construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and ur	itil the construction or excavation operation is
	abandoned and the resulting body of water meets the defin	nition of waters of the United States found at 33 CFR
	328.3(a).	
	Isolated, intrastate wetland with no nexus to interstate con	amerce.
	Prior converted cropland, as determined by the Natural Re	sources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry	and. Explain rationale:
	Other (explain):	
DAT <u>A</u> F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (m	ark all that apply):
Ž.	Maps, plans, plots or plat submitted by or on behalf of the applica	nt.
37	Data sheets prepared/submitted by or on behalf of the applicant.	
	This office concurs with the delineation report, dated	, prepared by (company):
-	This office does not concur with the delineation report, dated	, prepared by (company):
	Data sheets prepared by the Corps.	
<b>X</b>		
	U.S. Geological Survey Hydrologic Atlas:	
	U.S. Geological Survey 7.5 Minute Topographic maps:	
	U.S. Geological Survey 7.5 Minute Historic quadrangles:	
05.5% 010000ae 18.5%	U.S. Geological Survey 15 Minute Historic quadrangles:	
2.2	USDA Natural Resources Conservation Service Soil Survey:	
26 vil.	National wetlands inventory maps:	
	State/Local wetland inventory maps:	
200	FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD)	
	100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):	
Source Comments Comments	Other photographs (Date):	
Sec.	Advanced Identification Wetland maps:	
2.00	Site visit/determination conducted on:	
蕭	Applicable/supporting case law:	
	Other information (please specify):	
***************************************		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: 08616(04)

	CT LOCATION INFORMATION:							
	te: Texas unty: Chambers							
	Center coordinates of site (latitude/longitude): 29° 32′ 48″N, 94° 47′ 21″W (NAD27)							
Nar	proximate size of area (parcel) reviewed, including uplands: 1.3 acre. The of nearest waterway: Trinity River Channel to Liberty The of watershed: East Galveston Bay							
	ICTIONAL DETERMINATION							
Cor	npleted: Desktop determination Date: 13 April 2005 Site visit(s) Date(s):							
Jur	isdictional Determination (JD):							
3	Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).							
X	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:							
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:							
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:							
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.							
BASIS O	OF JURISDICTIONAL DETERMINATION:							
	Waters defined under 33 CFR part 329 as "navigable waters of the United States":							
Ø	The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.							
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":							
	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands <sup>1</sup> .							
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.							
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.							
<b>(20)</b>	(4) Impoundments of waters otherwise defined as waters of the US.							
8000	(5) The presence of a tributary to a water identified in (1) – (4) above.							
	<ul> <li>(6) The presence of territorial seas.</li> <li>(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.</li> </ul>							
Ratio	onale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed project is							

located in the Trinity River Channel to Liberty, a tidally influenced navigation channel adjacent to Galveston Bay.

L	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 32 Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	High Tide oil c fine phys	08616(04)  E Line indicated by: or scum line along shore objects shell or debris deposits (foreshore) sical markings/characteristics l gages iicant supplied information.
Z E	Mean High Water Mark indicated by:  ⊠ survey to available datum; □ physical markings; □		•
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part Headquarters declined to approve jurisdiction on the basi The Corps has made a case-specific determination that th United States:  Waste treatment systems, including treatment por Artificially irrigated areas, which would revert to Artificial lakes and ponds created by excavating a retain water and which are used exclusively for su rice growing.  Artificial reflecting or swimming pools or other su by excavating and/or diking dry land to retain water Water-filled depressions created in dry land incide the purpose of obtaining fill, sand, or gravel unles abandoned and the resulting body of water meets 328.3(a).  Isolated, intrastate wetland with no nexus to inters Prior converted cropland, as determined by the Na Non-tidal drainage or irrigation ditches excavated Other (explain):	is of 33 CFR part in the following water ands or lagoons, pure upland if the irrigand/or diking dry luch purposes as structional to construction and until the contraction of water commerce.	328.3(a)(3).  Its present on the site are not Waters of the result to 33 CFR part 328.3.  Its part of the result o
DATA I	Maps, plans, plots or plat submitted by or on behalf of the Data sheets prepared/submitted by or on behalf of the app This office concurs with the delineation report, dated This office does not concur with the delineation report Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):	e applicant. licant, preprt, dated	pared by (company):, prepared by (company):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG** FILE NUMBER: 23741

PROJECT	LOCATION	INFORMATION:
INCOLCI.	LOCATION	THE OWNTY LIGHT

State:

**Texas** Galveston

County:

Center coordinates of site (latitude/longitude):

29.2950N; 94.9226W

Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: Galveston Bay Name of watershed: Galveston Bay

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 13 April 05

Date(s):

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[ (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

**FILE NUMBER: 23741** 

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:    clear, natural line impressed on the bank   oil or scum line along shore objects   fine shell or debris deposits (foreshore)   physical markings/characteristics   destruction of terrestrial vegetation   destruction of terrestrial vegetation   other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
<u> 133</u>	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bai	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Data Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:
Sent Sant Sant	Other information (please specify): Photographs of the site submitted by the applicant; knowledge of the site

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG FILE NUMBER: 23730

#### PROJECT LOCATION INFORMATION:

State:

Tx

County:

Galveston

Center coordinates of site (latitude/longitude):

UTM 27 (meters): Zone 15; Easting: 304278; Northing: 3260160

Approximate size of area (parcel) reviewed, including uplands: 5 acres.

Name of nearest waterway: Dickinson Bayou Name of watershed: Galveston Bay

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 4/12/05

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

**FILE NUMBER: 23730** 

I Extent of Jurisdiction: (Reference: 33 CFR participants) and the participants and the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	High Tide Line indicated by:  oil or scum line along shore objects  fine shell or debris deposits (foreshore)  physical markings/characteristics  tidal gages  other:
ean High Water Mark indicated by:  ] survey to available datum;   physical markings	;  vegetation lines/changes in vegetation types.
etland boundaries, as shown on the attached wetland	nd delineation map and/or in a delineation report prepared by:
waste treatment systems, including treatment Artificially irrigated areas, which would rever Artificial lakes and ponds created by excavati retain water and which are used exclusively frice growing.  Artificial reflecting or swimming pools or oth by excavating and/or diking dry land to retain Water-filled depressions created in dry land in the purpose of obtaining fill, sand, or gravel used abandoned and the resulting body of water med 328.3(a).  Isolated, intrastate wetland with no nexus to interest the systems of the systems of the systems.	basis of 33 CFR part 328.3(a)(3).  at the following waters present on the site are not Waters of the  ponds or lagoons, pursuant to 33 CFR part 328.3.  It to upland if the irrigation ceased.  Ing and/or diking dry land to collect and  or such purposes as stock watering, irrigation, settling basins, or  the small ornamental bodies of water created  water for primarily aesthetic reasons.  Incidental to construction activity and pits excavated in dry land for  unless and until the construction or excavation operation is  eets the definition of waters of the United States found at 33 CFR
Non-tidal drainage or irrigation ditches excav Other (explain):	ated on dry land. Explain rationale:
ta sheets prepared by the Corps.  rps' navigable waters' studies:  6. Geological Survey Hydrologic Atlas:  6. Geological Survey 7.5 Minute Topographic map  6. Geological Survey 15 Minute Historic quadrang  6. Geological Survey 15 Minute Historic quadrang  6. Anatural Resources Conservation Service Soil Stional wetlands inventory maps:  te/Local wetland inventory maps:  MA/FIRM maps (Map Name & Date):  10-year Floodplain Elevation is: (NGVD)  rial Photographs (Name & Date):  ter photographs (Date):  vanced Identification Wetland maps:  e visit/determination conducted on:	f the applicant. applicant. ated , prepared by (company): eport, dated , prepared by (company): s: eles: eles:
	clinary High Water Mark indicated by:    clear, natural line impressed on the bank     the presence of litter and debris     changes in the character of soil     destruction of terrestrial vegetation     shelving     other:    can High Water Mark indicated by:     survey to available datum;

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

FILE N	CT OFFICE: CESWG UMBER: I-5111 CT LOCATION INFORMATION:			
Sta				
	unty: Harris County			
Ap <sub>l</sub> Nai	nter coordinates of site (latitude/longitude): 29° 47′ 06″N, 95° 29′ 55″W proximate size of area (parcel) reviewed, including uplands: N/A me of nearest waterway: Briar Branch me of watershed: Buffalo Bayou			
JURISD	DICTIONAL DETERMINATION			
	mpleted: Desktop determination			
Jur	isdictional Determination (JD):			
	Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or) } \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).			
×	Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:			
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:			
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:			
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.			
BASIS (	OF JURISDICTIONAL DETERMINATION:			
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.			
В.	· · · · · · · · · · · · · · · · · · ·			
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.			
	(2) The presence of interstate waters including interstate wetlands.			
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.			
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.			
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.  (4) Impoundments of waters otherwise defined as waters of the US.			
	(5) The presence of a tributary to a water identified in (1) – (4) above.			
	<ul> <li>(6) The presence of territorial seas.</li> <li>(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.</li> </ul>			

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER:

I-5111

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:				
E	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.				
Ba Z	Basis For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):				
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Datural Resources Conservation Service Soil Survey: Harris County, 1976  National wetlands inventory maps: Houston Heights, 1979  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): Harris, Panel 665 of 1135, #48201C0665 K, April 20, 2000  100-year Floodplain Elevation is:  Aerial Photographs (Name & Date): 1995 CIR,  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on: March 08, 2005  Applicable/supporting case law:  Other information (please specify):				

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

### JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG-PE-RC **FILE NUMBER:** D-16477/(01)

### PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris

Center coordinates of site (latitude/longitude):

30.0804N 95.4438W

acres.

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Wucnsche Gully

Name of watershed: Spring Creek

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 6 April 2005 Date(s): 8 March 2005

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the appear to be no" waters of the appear to be no" waters of the appear to be no "waters of the appear t United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wunsche Gull flows into Cypress Creek which flows into Spring Creek which flows into the San Jacinto River. Wunsche Gully meets the Criteria of the 1987 Corps of Engineers Wetland Delineation Manual.

FILE NUMBER: D-16477/(01)

teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:    clear, natural line impressed on the bank   oil or scum line along shore objects   fine shell or debris deposits (foreshore)   physical markings/characteristics   destruction of terrestrial vegetation   tidal gages   other:			
Mean High Water Mark indicated by:  survey to available datum; physical markings; vegetation lines/changes in vegetation types.  Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:			
Basis For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry late the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale			
<ul> <li>Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:</li> <li>Other (explain):</li> </ul>			
REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Spring  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Acological Survey 15 Minute Historic quadrangles:  U.S. Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geolo			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

FILE N	ICT OFFICE: CESWG IUMBER: I-4952 ICT LOCATION INFORMATION:				
Sta	ite: Louisiana				
	unty: Cameron Parish nter coordinates of site (latitude/longitude): 30° 02' 44"N, 93° 43' 39"W				
Ap Na	proximate size of area (parcel) reviewed, including uplands: N/A me of nearest waterway: Burton Shell Canal me of watershed: Lower Sabine Neches				
JURISI	DICTIONAL DETERMINATION				
Co	mpleted: Desktop determination Date: 04-13-05 Site visit(s) Date(s):				
Ju	risdictional Determination (JD):				
<b>a</b>	Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).				
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331).  Check all that apply:				
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:N/A				
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:				
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.				
BASIS (	OF JURISDICTIONAL DETERMINATION:  Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.				
B.	or or it bare protect to the onice peaces .				
<u> </u>	(2) The presence of interstate waters including interstate wetlands <sup>1</sup> .				
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.				
	<ul> <li>(4) Impoundments of waters otherwise defined as waters of the US.</li> <li>(5) The presence of a tributary to a water identified in (1) - (4) above.</li> <li>(6) The presence of territorial seas.</li> </ul>				
9	(7) The presence of wetlands adjacent <sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.				

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Burton Shell Canal is a tidal waterway that extends from Sabine River, a navigable water of the US.

2 FILE NUMBER: I-4952 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant.

Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps:

Wetlands are identified and delineated using the methods and eriterial established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: Aerial Photographs (Name & Date):

Advanced Identification Wetland maps:
Site visit/determination conducted on:
Applicable/supporting case law:
Other information (please specify)!

Other photographs (Date):

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

### JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-16810

### PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris

29.9661N 95.6110

Center coordinates of site (latitude/longitude):

Approximate size of area (parcel) reviewed, including uplands: 45 acres.

Name of nearest waterway: Cypress Creek Name of watershed: Spring Creek

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 6 April 2005

Date(s): 17 February 2005

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1.86 Acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination; Wetlands are adjacent to Cypress CXreek which flows into Spring Creek then the San Jacinto River, a navigable water sibject to the ebb and flow of the daily tide

FILE NUMBER: D-16810

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
5	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
87.5	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Entrix
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA R	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated 9 Macrh 2005, prepared by (company): Entrix This office does not concur with the delineation report, dated 9, prepared by (company): Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Satsuma  U.S. Geological Survey 15 Minute Historic quadrangles: 1975 Satsuma  U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Harris County  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): Digital Harris County  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): 2002 Landiscor  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on: 17 February 2005  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG-PE-RC** 

FILE NUMBER: D-16788

#### PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris Center coordinates of site (latitude/longitude):

29.7472°N, 95.1694°W

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Greens Bayou Name of watershed: Buffalo Bayou

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 11 April 2005

Date(s): 4 March and 9 March 2005

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the appear to be no"} \) United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 10.23 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands are adjacent to an unnamed tributary of Greens Bayou which flos into Buffalo Bayou, a navigable water subject to the ebb and flow of the daily tide.

FILE NUMBER: D-16788

teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:    clear, natural line impressed on the bank
Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Crouch Environmental Services
The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated 1 Dec 05, prepared by (company): CES This office does not concur with the delineation report, dated 2 Dec 05, prepared by (company): Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Jacinto City  U.S. Geological Survey 15 Minute Historic quadrangles: 1982, 1967, 1955, 1945, 1920 Jacinto City  U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: 1976 Harris County  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): 6 Mov 1996 Harris County  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): 1995 Jacinto City DOQQ  Other photographs (Date): 2002 :Landiscor and 1986, 1979, 1962, 1944 histirical aerials  Advanced Identification Wetland maps:  Site visit/determination conducted on: 4 March & 9 March 2005  Applicable/supporting case law:  Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-15355/1

## PROJECT LOCATION INFORMATION:

State:

Texas

County:

Liberty Center coordinates of site (latitude/longitude):

Lat: 29-54-29.0 N Long: 94-40-46.6 W

Approximate size of area (parcel) reviewed, including uplands: 5 acres.

Name of nearest waterway: Turtle Bayou Name of watershed: Lower Trinity River

## JURISDICTIONAL DETERMINATION

**Completed:** Desktop determination

Site visit(s)

Date: 13 April 2005

Date(s): 24 March 2005

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information \( \subseteq \subseteq \) United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 FILE NUMBER: D-15355/1 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects clear, natural line impressed on the bank the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated 19 November 2004, prepared by (company): Tim Morton & Associates Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Shiloh, Tex. Photorevised 1974 U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Liberty County, Texas; Panel 300 of 325; 30 September 1988

100-year Floodplain Elevation is:

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Other photographs (Date):

Aerial Photographs (Name & Date): January 1995

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-15948

### PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris Center coordinates of site (latitude/longitude):

29.6782°N, 95.1767°W

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Little Vince Bayou

Name of watershed: Vinve Bayou

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 29 March 2005

Site visit(s)

Date(s): 17 February 2005

Juliguicional Detelmination (JD	nal Determinati	ion (JD	)
---------------------------------	-----------------	---------	---

2	Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the or the preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the or the preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the or the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the or the or the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the or th
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

📓 There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

A	Waters defined u	ndar 33 CFD nor	t 329 as "navigable	a waters of the	linitad States".
<b>~</b> .	Waters delined in	HUCE JJ C.F.K DAI	L 347 43 HAYIYADI	E WALEIS UI LIIC	unicu States .

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

# B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - [ (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - [ (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above. (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination, If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Little Vince Flows south into Pasadena Lake, a tidal water of the U.S.

FILE NUMBER: D-15948

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  ☐ clear, natural line impressed on the bank ☐ the presence of litter and debris ☐ changes in the character of soil ☐ destruction of terrestrial vegetation ☐ other:  ☐ other: ☐ High Tide Line indicated by: ☐ oil or scum line along shore objects ☐ fine shell or debris deposits (foreshore) ☐ physical markings/characteristics ☐ tidal gages ☐ other:
蠶	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	<ul> <li>Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:</li> <li>Other (explain):</li> </ul>
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated 14 March 2005, prepared by (company): Entrix This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Pasadena  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Actual Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): 2002 Aerial  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on: 17 February 2005  Applicable/supporting case law:
	Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** SWG FILE NUMBER: D-16812

PROJE	DJECT LOCATION INFORMATION:		
	State: Texas		
	County: Harris		
Ce	Center coordinates of site (latitude/longitude): 30.01794; 95.3	39289	
Ap	Approximate size of area (parcel) reviewed, including uplands: 25 acr	res.	
	Name of nearest waterway: Turkey Creek		
Na	Name of watershed: Cypress Creek		
	ISDICTIONAL DETERMINATION		
Co	Completed: Desktop determination Date: 11 April Site visit(s) Date(s):	2005	
	Site visit(s) Date(s):		
Ju	Jurisdictional Determination (JD):		
	Preliminary JD - Based on available information, _ there appear	er to be (or) there annear to be no "waters of the	
******	United States" and/or "navigable waters of the United States" on	the project site. A preliminary ID is not appealable	
	(Reference 33 CFR part 331).	the project site. A premimary 1D is not appearable	
	(-territorio de disciplination),		
Ø	Approved JD - An approved JD is an appealable action (Referen	ce 33 CFR part 331)	
***************************************	Check all that apply:	51 C P. C.	
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within		
	the reviewed area. Approximate size of jurisdictional area:		
	There are "waters of the United States" (as defined by 33 CF	R part 328 and associated guidance) within the	
	reviewed area. Approximate size of jurisdictional area:	. , , , , , , , , , , , , , , , , , , ,	
	There are "isolated, non-navigable, intra-state waters or wet	ands" within the reviewed area.	
	Decision supported by SWANCC/Migratory	Bird Rule Information Sheet for Determination of No	
	Jurisdiction.		
D. C.C.	ICON WINDOWS COMPANY TO THE PROPERTY OF THE PR		
	IS OF JURISDICTIONAL DETERMINATION:		
Α.	A. Waters defined under 33 CFR part 329 as "navigable waters	of the United States":	
		tide and/or are presently used, or have been used in	
	the past, or may be susceptible for use to transport interstate or for	reign commerce.	
	D W. I. I. C. CDD (ACCOUNT)		
B.		United States":	
	interstate or foreign commerce, including all waters which are su	pject to the ebb and flow of the tide.	
	(2) The presence of interstate waters including interstate wetlands	)',	
		reams (including intermittent streams), mudflats,	
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, play	a lakes, or natural ponds, the use, degradation or	
	destruction of which could affect interstate commerce including a	ny such waters (check all that apply):	
	(i) which are or could be used by interstate or foreign travele	rs for recreational or other purposes.	
	(ii) from which fish or shellfish are or could be taken and sol	a in interstate or foreign commerce.	
	(iii) which are or could be used for industrial purposes by inc	sustries in interstate commerce.	
	(4) Impoundments of waters otherwise defined as waters of the U		
		ove.	
	(6) The presence of territorial seas.	anneau A. Carallana ann at an air	
38	(7) The presence of wetlands adjacent <sup>2</sup> to other waters of the US,	except for those wettands adjacent to other wetlands.	

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16812

L	iteral E	Extent of Jurisdiction: (Reference: 33 CFR parts 3		
		nary High Water Mark indicated by:	M Hi	gh Tide Line indicated by:
	H	clear, natural line impressed on the bank the presence of litter and debris	Ļ	oil or scum line along shore objects
	片	changes in the character of soil	<u> </u>	fine shell or debris deposits (foreshore)
	片	destruction of terrestrial vegetation	<u>_</u>	physical markings/characteristics
	H	shelving	<u> </u>	tidal gages
		other:	L.	other:
****	_		_	
3	Mean	High Water Mark indicated by:	-	
	∐ St	urvey to available datum;  physical markings;	vegetation	n lines/changes in vegetation types.
Ø	Wetla	and boundaries, as shown on the attached wetland d	lelineation	map and/or in a delineation report prepared by:
	sis For	Not Asserting Jurisdiction:		
	I Ine re	eviewed area consists entirely of uplands.	2007 \/1	2 45
	Head	le to confirm the presence of waters in 33 CFR part quarters declined to approve jurisdiction on the basi	328(a)(1, 2	2, or 4-7).
Ø	The C	Corps has made a case-specific determination that the	is of 33 Cr. ne followin	R part 328.3(a)(3).
-	Unite	ed States:	ic following	g waters present on the site are not waters of the
		Waste treatment systems, including treatment por	nds or lago	ons, pursuant to 33 CFR part 328 3
	Н	Artificially irrigated areas, which would revert to	upland if t	he irrigation ceased.
	$\sqcup$	Artificial lakes and ponds created by excavating a	and/or dikir	ng dry land to collect and
		retain water and which are used exclusively for st rice growing.	ich purpose	es as stock watering, irrigation, settling basins, or
		Artificial reflecting or swimming pools or other s	mall ornam	nental bodies of water created
		by excavating and/or diking dry land to retain wa	ter for prim	narily aesthetic reasons.
		abandoned and the resulting body of water meets	s and until	nstruction activity and pits excavated in dry land for the construction or excavation operation is on of waters of the United States found at 33 CFR
	⋈	328.3(a).		
		Isolated, intrastate wetland with no nexus to interest Prior converted cropland, as determined by the Na	state comm	Nerces Conservation Services Evaluin matical Land
	_			
	H	Non-tidal drainage or irrigation ditches excavated Other (explain):	on dry land	d. Explain rationale:
		(		
DATA F	REVIE	WED FOR JURSIDICTIONAL DETERMINAT	ION (mar	It all that apply).
X	Maps,	plans, plots or plat submitted by or on behalf of the	applicant.	к ан шас арргу):
<u> </u>	Data s	heets prepared/submitted by or on behalf of the app	licant.	
	☐ Tì	his office concurs with the delineation report, dated	, pre	pared by (company):
F	∐Т	nis office does not concur with the delineation repor	t, dated	, prepared by (company):
	Data si	neets prepared by the Corps.		
		navigable waters' studies:		
	U.S. G	deological Survey Hydrologic Atlas:		
ä	U.S. G	eological Survey 7.5 Minute Topographic maps: Specific Specific Survey 7.5 Minute Historic quadrangles:	oring, 1999	
局	U.S. G	eological Survey 15 Minute Historic quadrangles:		
茵	USDA	Natural Resources Conservation Service Soil Survey	ev: Harris (	County Digital NDCC
X	Nation	al wetlands inventory maps: Spring 1999	cy. 11ai113 (	County Digital 148CS
	State/L	ocal wetland inventory maps:		
X	FEMA	/FIRM maps (Map Name & Date): Harris County 1	FEMA Q3	
	100-ye	ar Floodplain Elevation is: (NGVD)	-	
	Aerial :	Photographs (Name & Date): January, 1995		
		photographs (Date):		
		ced Identification Wetland maps:		
		sit/determination conducted on:		
		able/supporting case law: nformation (please specify):		
2000 T		ALCHIMITOTI I DICUIC STECTI VI.		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

FILE N PROJE Sta	ICT OFFICE: CESWG UMBER: D-16509 CT LOCATION INFORMATION: te: Texas unty: Jefferson			
Ap <sub>]</sub> Nai	nter coordinates of site (latitude/longitude):  29° 54′ 52″N, 94° 04′ 09″W  proximate size of area (parcel) reviewed, including uplands: _n/a -acres  me of nearest waterway: Hillebrandt Bayou  me of watershed: Taylor Bayou			
	DICTIONAL DETERMINATION  mpleted: Desktop determination			
Jur	isdictional Determination (JD):			
	Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).			
8	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:			
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:1.62-acres			
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:2.32-acres			
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.			
BASIS (	OF JURISDICTIONAL DETERMINATION:			
	Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.			
B. ⊠	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in			
A	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.			
	<ul> <li>(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):</li> <li>(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.</li> <li>(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.</li> </ul>			
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.  (4) Impoundments of waters otherwise defined as waters of the US.			
X	(5) The presence of a tributary to a water identified in (1) – (4) above.			
<u>国</u> 图	<ul> <li>(6) The presence of territorial seas.</li> <li>(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.</li> </ul>			

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Hillebrandt Bayou is a primary tributary to Taylor Bayou, a navigable water of the US.

FILE NUMBER:

D-16509

La Œ	Acteral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  High Tide Line indicated by:				
	☐ clear, natural line impressed on the bank ☐ oil or scum line along shore objects				
	the presence of litter and debris fine shell or debris deposits (foreshore)				
	changes in the character of soil physical markings/characteristics				
	destruction of terrestrial vegetation tidal gages				
	shelving other:				
20000					
2	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.				
<b>95-979</b>					
×	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Berg Oliver Associates, Inc.				
Ba	sis For Not Asserting Jurisdiction:				
	The reviewed area consists entirely of uplands.				
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).				
	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the				
633	United States:				
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.				
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and				
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or				
	rice growing.				
	Artificial reflecting or swimming pools or other small ornamental bodies of water created				
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.				
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for				
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR				
	328.3(a).				
	Isolated, intrastate wetland with no nexus to interstate commerce.				
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:				
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):				
	Guer (explain).				
DATA	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):				
<u>※</u>	Maps, plans, plots or plat submitted by or on behalf of the applicant.				
	Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, datedSept 15, 2004, prepared by (company):				
	Berg Oliver, Associates, Inc.				
	This office does not concur with the delineation report, dated , prepared by (company):				
3	Data sheets prepared by the Corps.				
	Corps' navigable waters' studies:				
X	U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Port Acres 1974				
简	U.S. Geological Survey 7.5 Minute Topographic maps. For Acres 1974  U.S. Geological Survey 7.5 Minute Historic quadrangles:				
	U.S. Geological Survey 15 Minute Historic quadrangles:				
図	USDA Natural Resources Conservation Service Soil Survey: Jefferson and Orange County Soil Survey				
8	National wetlands inventory maps:				
	State/Local wetland inventory maps:				
	FEMA/FIRM maps (Map Name & Date): Jefferson County, Jan 6, 1983 100-year Floodplain Elevation is:				
圂	Aerial Photographs (Name & Date): 1995 CIR,				
図	Other photographs (Date): Site photos in report				
	Advanced Identification Wetland maps:				
	Site visit/determination conducted on: January 7, 2005 Applicable/supporting case law:				
	Other information (please specify):				

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

	CT OFFICE: CESWG UMBER: D-17123			
Sta Cor Cer App Nar	ct Location information:  te: Texas unty: Harris  ter coordinates of site (latitude/longitude): 29° 50′ 34″N, 95° 40′ 17″W  proximate size of area (parcel) reviewed, including uplands: _N/A -acres me of nearest waterway: Bear Creek me of watershed: Addicks Reservoir			
	DICTIONAL DETERMINATION  mpleted: Desktop determination			
Jur	isdictional Determination (JD):			
<b>a</b>	Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).			
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:			
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:			
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:			
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.			
	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.			
B. [5]	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.			
	<ul> <li>(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): <ul> <li>(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.</li> <li>(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.</li> <li>(iii) which are or could be used for industrial purposes by industries in interstate commerce.</li> </ul> </li> <li>(4) Impoundments of waters otherwise defined as waters of the US.</li> <li>(5) The presence of a tributary to a water identified in (1) – (4) above.</li> <li>(6) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.</li> </ul>			

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FII	E.	NI	IM	RI	FR.

D-17123

La E	Ordinary High Water Mark indicated by:   Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:   Attent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)   High Tide Line indicated by:   High Tide Line indicated by:   Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
53	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba Sa Sa Sa Sa Sa Sa Sa Sa Sa S	Interviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA E	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Addicks 1984  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Datural Resources Conservation Service Soil Survey: Harris County Soil Survey, 1976  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): FEMA 610 of 1135, 48201C0610 J, Nov 6 1996  100-year Floodplain Elevation is:  Aerial Photographs (Name & Date): 1995 CIR,  Other photographs (Date): Site photos in report  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

	RICT OFFICE: CESWG NUMBER: D-17197			
5	JECT LOCATION INFORMATION: State: Texas County: Harris			
1	Center coordinates of site (latitude/longitude): 29° 37' 22"N, 95° 04' 58"W Approximate size of area (parcel) reviewed, including uplands: 21 -acres Jame of nearest waterway: Big Island Slough Jame of watershed: Clear Creek/ Galveston Bay			
	SDICTIONAL DETERMINATION  Completed: Desktop determination			
J	urisdictional Determination (JD):			
	Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).			
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:			
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:			
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:3.06-ac			
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.			
	OF JURISDICTIONAL DETERMINATION:			
A E	Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.			
16				
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.			
Ī	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  [In the presence of other waters such as intrastate, playable intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  [In the presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  [In the presence of other waters such as intrastate commerce including any such waters (check all that apply):			
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.			
	(4) Impoundments of waters otherwise defined as waters of the US.			
Σ	(5) The presence of a tributary to a water identified in (1) – (4) above.			
D D	<ul> <li>(6) The presence of territorial seas.</li> <li>(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.</li> </ul>			

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Big Island Slough is primary tributary to Armand Bayou that discharges into Clear Creek, a navigable water of the US.

FILE	NU.	MBER:	
------	-----	-------	--

D-17197

La:	Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
B	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Ø	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: SWCA, Inc.
	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, datedNovember 1004, prepared by (company):  SWCA, Inc.  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: League City, 1984  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. A Natural Resources Conservation Service Soil Survey: Harris County Soil Survey, 1972  National wetlands inventory maps: League City  State/Local wetland inventory maps:  EMA/FIRM maps (Map Name & Date): Harris County, FEMA  100-year Floodplain Elevation is:  Aerial Photographs (Name & Date): 1995 CIR,  Other photographs (Date): Site photos in report Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

# JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG FILE NUMBER: D-17049

#### PROJECT LOCATION INFORMATION:

State: Texas County: Brazoria

Center coordinates of site (latitude/longitude): 28 54' 55" N, 95 19' 56" W Approximate size of area (parcel) reviewed, including uplands: 0.5 acres.

Name of nearest waterway: Gulf of Mexico

Name of watershed: San Bernard

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date:

Date(s): 13 Apr 2005

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: No Jurisdiction, site consists entirely of uplands.

FILE NUMBER: D-17049

	ral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:    clear, natural line impressed on the bank   oil or scum line along shore objects   fine shell or debris deposits (foreshore)   changes in the character of soil   physical markings/characteristics   tidal gages   other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:  s For Not Asserting Jurisdiction:
÷.	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Freeport, Texas quadrangle  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Deological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 10 Minute Historic quadrangles:  U.S. Geological Survey

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: I-4960

#### PROJECT LOCATION INFORMATION:

State: Texas County: Calhoun

Center coordinates of site (latitude/longitude): 28 24' 33" N, 96 42' 46" W Approximate size of area (parcel) reviewed, including uplands: 0.5 acres.

Name of nearest waterway: Unnamed Bayou Name of watershed: East San Antonio Bay

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

X

Date: 14 Apr 2005 Date(s): 15 Feb 2005

#### Jurisdictional Determination (JD):

Er abou	Preliminary JD - Based on available information, There appear to be (or) there appear to be no "waters of the
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The unnamed bayou is navigable water of the United States subject to the ebb and flow of the daily tide.

FILE NUMBER: I-4960

_				TIME INCIDENT 1-4700
		ktent of Jurisdiction: (Reference: 33 CFR pa ary High Water Mark indicated by:		. Titals I then the diseased beau
Sec.		clear, natural line impressed on the bank	Hall Hilgh	Tide Line indicated by: oil or scum line along shore objects
		the presence of litter and debris	片	fine shell or debris deposits (foreshore)
		changes in the character of soil	H	physical markings/characteristics
		destruction of terrestrial vegetation	片	tidal gages
		shelving	片	other:
		other:	u	oner.
Final Posts		High Water Mark indicated by:	_	
	su	rvey to available datum; 🔲 physical marking	s;  vegetation	lines/changes in vegetation types.
<b>R</b> .	Wetla	nd boundaries, as shown on the attached wetle	and delineation m	ap and/or in a delineation report prepared by:
Bas		Not Asserting Jurisdiction:		
Central Centra		eviewed area consists entirely of uplands.		4 =
Vi		e to confirm the presence of waters in 33 CFR		
		puarters declined to approve jurisdiction on the		
12.01		orps has made a case-specific determination to d States:	nat the following	waters present on the site are not Waters of the
		Waste treatment systems, including treatment	it nands at lagaar	ne purcuant to 33 CED part 378 3
	Ħ	Artificially irrigated areas, which would reve		
	Ħ	Artificial lakes and ponds created by excava		
				s as stock watering, irrigation, settling basins, or
		rice growing.		
		Artificial reflecting or swimming pools or of	her small orname	ental bodies of water created
		by excavating and/or diking dry land to retain		
				struction activity and pits excavated in dry land fo
		the purpose of obtaining fill, sand, or gravel		
			neets the definitio	on of waters of the United States found at 33 CFR
		328.3(a).	* <b>*</b>	
		Isolated, intrastate wetland with no nexus to		
		rnoi converted croptand, as determined by t	ne ivalui ai Resou	rces Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches exca	vated on dry land	l. Explain rationale:
		Other (explain):		
DATA I	REVIE	WED FOR JURSIDICTIONAL DETERMI	NATION (mark	all that apply):
25° 4 22 _4	Maps,	plans, plots or plat submitted by or on behalf	of the applicant.	
		heets prepared/submitted by or on behalf of th		
	T	nis office concurs with the delineation report,	lated , prep	pared by (company):
USSET .		nis office does not concur with the delineation	report, dated	, prepared by (company):
		heets prepared by the Corps.		
		navigable waters' studies:		
		deological Survey Hydrologic Atlas:	C	
		deological Survey 7.5 Minute Topographic ma deological Survey 7.5 Minute Historic quadrar		as quadrangie
<u> </u>		deological Survey 7.5 Minute Historic quadrangleological Survey 15 Minute Historic quadrangleological Survey 15 Minute Historic quadrangleological Survey 1.5 Minute Historic quadrangleological Survey 7.5 Mi		
蒙		Natural Resources Conservation Service Soil		County Soil Survey
		al wetlands inventory maps: Seadrift, Texas q		County Boil Bulvey
<b>5</b>		Local wetland inventory maps: seading, rexas q	uadrangic	
		/FIRM maps (Map Name & Date):		
		ear Floodplain Elevation is: (NGVD)		
家		Photographs (Name & Date): Sep-Nov 2004	Гехаs GLO Lowe	er Coast Block 6
<b>X</b>		photographs (Date): Unknown date, submitted		
		ced Identification Wetland maps:	•	<del>-</del> -
×	Site vi	sit/determination conducted on: 15 Feb 2005		
		able/supporting case law:		
X	Other i	information (please specify): Site measurement	its	

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG** FILE NUMBER: D-17004

#### PROJECT LOCATION INFORMATION:

State: Texas County: Calhoun

Center coordinates of site (latitude/longitude): 28 24' 54" N, 96 29' 11" W Approximate size of area (parcel) reviewed, including uplands: 1,352 acres.

Name of nearest waterway: Gulf Intacoastal Waterway

Name of watershed: West Matagorda Bay

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 8 Apr 2005

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square \) there appear to be (or) \( \square \) there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No. Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

#### B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- [ (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (6) The presence of territorial seas.
  (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The Gulf Intracoastal Waterway (GIWW) is a navigable water of the United States subject to the ebb and flow of the daily tide. Boggy Bayou is a tributary to Matagorda Bay and is a navigable water of the United States in its lower reaches. Wetlands on the property are either contiguous, bordering, or neighboring to either Boggy Bayou or the GIWW depending on their location on the proerty

FILE NUMBER: D-17004

La	iteral E	Extent of Jurisdiction: (Reference: 33 CFR parts 328	8 and 32	29)	T === T (ONIDER D X7004
<b>5</b> .	Ordi	nary High Water Mark indicated by:			n Tide Line indicated by:
		clear, natural line impressed on the bank	Patrick -	֟֓֟֟֟֟֟֟֟	oil or scum line along shore objects
		the presence of litter and debris		Ħ	fine shell or debris deposits (foreshore)
		changes in the character of soil	ì	Ħ	physical markings/characteristics
		destruction of terrestrial vegetation		Ħ	tidal gages
	$\Box$	shelving		7	other:
		other:			oulei.
ā	Mean	n High Water Mark indicated by:			
	☐ su	urvey to available datum; physical markings;	vegetati	on l	lines/changes in vegetation types.
£j	Wetl	and boundaries, as shown on the attached wetland de	lineatio	n m	ap and/or in a delineation report prepared by:
Ba	sis For	Not Asserting Jurisdiction:			
100.2	The re	eviewed area consists entirely of uplands.			
2.4	Unab	le to confirm the presence of waters in 33 CFR part 3	328(a)(1	, 2,	or 4-7).
	Head	quarters declined to approve jurisdiction on the basis	of 33 C	FR	part 328.3(a)(3)
	The (	Corps has made a case-specific determination that the	followi	ng '	waters present on the site are not Waters of the
	Unite	ed States:			
	H	Waste treatment systems, including treatment pond	is or lag	ооп	is, pursuant to 33 CFR part 328.3.
		Artificially irrigated areas, which would revert to u	ipland if	f the	e irrigation ceased.
	Ц	Artificial lakes and ponds created by excavating an	nd/or dik	ing	dry land to collect and
		retain water and which are used exclusively for suc	ch purpo	ses	as stock watering, irrigation, settling basins, or
		nce growing.			
		Artificial reflecting or swimming pools or other sm	iall orna	mei	ntal bodies of water created
		by excavating and/or diking dry land to retain wate	r for pri	mai	rily aesthetic reasons.
		Water-filled depressions created in dry land incider	ntal to c	ons	truction activity and pits excavated in dry land fo
		the purpose of obtaining fill, sand, or gravel unless	and unt	il th	ne construction or excavation operation is
		abandoned and the resulting body of water meets th	ne defini	itio	n of waters of the United States found at 33 CFR
		328.3(a).			
	H	Isolated, intrastate wetland with no nexus to interst	ate com	mei	rce.
	Ш	Prior converted cropland, as determined by the Nati	ural Res	our	rces Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavated of	on dry la	ınd.	Explain rationale:
		Other (explain):			
DATA R	EVIE	WED FOR JURSIDICTIONAL DETERMINATION	ON (ma	ırk	all that anniv).
<b>X</b>	Maps,	plans, plots or plat submitted by or on behalf of the a	applican	t.	an that apply).
<u>\$</u>	Data s	heets prepared/submitted by or on behalf of the appli	cant.	•	
	☐ Th	his office concurs with the delineation report, dated		rena	ared by (company):
	⊠ Ti	his office does not concur with the delineation report.	dated 2	5 J	anuary 2005, prepared by Belaire
Environn	nentai,	Inc.	,		y 2000, propiatod by. Bolinic
	Data sl	heets prepared by the Corps.			
Ž.	Corps'	'navigable waters' studies: GAlveston District's list of	of Navig	abl	e water
	U.S. G	eological Survey Hydrologic Atlas:			
Z E	U.S. G	eological Survey 7.5 Minute Topographic maps: Por	t O'Con	nor.	. Texas quadrangle
£ 1	U.S. G	eological Survey 7.5 Minute Historic quadrangles:			, 1
	U.S. G	eological Survey 15 Minute Historic quadrangles:			
态	USDA	Natural Resources Conservation Service Soil Survey	y: Calho	un	County, Texas
	Nation	al wetlands inventory maps:			<del></del>
**		ocal wetland inventory maps:			
<b>2</b>	<b>FEMA</b>	/FIRM maps (Map Name & Date): Calhoun County,	Texas,	Par	nels 425 and 450. Published 2 Apr 1992
	100-ye	ar Floodplain Elevation is: (NGVD)			
X	Aerial	Photographs (Name & Date): 1995 and 2004 color in	ifrared a	eria	al photographs
	Other p	photographs (Date):			. 01-
<u> </u>		ced Identification Wetland maps:			
	Site vis	sit/determination conducted on:			
	Applic:	able/supporting case law:			
Mark to the state of the state	Other is	nformation (please specify):			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

## JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** SWG **FILE NUMBER:** D-16760

Sta Co Ce Ap Na	te: unty: nter coordi proximate	Texas Harris inates of sisize of are est waterw	te (latitude/lo ta (parcel) rev vay: Greens B Greens Bayo	ngitude): iewed, inclu ayou	ıding	29.8674;95.1930 guplands: 82 acres.			
			RMINATIO determination (s)			Date: 24 March 2005 Date(s):			
Ju	risdictions	al Determi	ination (JD):						
	Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).								
×		ed JD An Il that appl		is an appea	lable	e action (Reference 33 CFR part 331).			
	There	e are "nav ewed area.	igable waters Approximate	of the Unite size of juri	ed Sta sdict	ates" (as defined by 33 CFR part 329 and associated guidance) within tional area:			
	There	<i>e are</i> "wat d area. Ap	ers of the Uni proximate siz	ted States" e of jurisdic	(as d	defined by 33 CFR part 328 and associated guidance) within the al area:			
	🔀 Ther	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.							
A	Waters The pres	defined un	aters that are	part 329 as subject to the	s "ns e ebt	avigable waters of the United States":  o and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.			
	(1) The interstat	presence of te or foreig	of waters, which commerce,	ch are curre including al	ntly i Il wat	used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide.			
	(3) The sandflat destruct (i) (ii)	presence of s, wetlands tion of which which are from which ) which are	of other waters, sloughs, prach could affect or could be used fish or shelp or could be	s such as int airie pothole et interstate sed by inters lfish are or oused for indi	rasta es, we come state coulc ustria	nterstate wetlands <sup>1</sup> .  Ite lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. It be taken and sold in interstate or foreign commerce.  al purposes by industries in interstate commerce.			
	(5) The	presence o	of a tributary t	o a water id	entif	as waters of the US.  Tied in (1) – (4) above.  Waters of the US, except for those wetlands adjacent to other wetlands			

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: No known nexus to interstate commerce.

FILE NUMBER: D-16760

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:    clear, natural line impressed on the bank
**	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Base 图	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	<ul> <li>Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:</li> <li>Other (explain):</li> </ul>
DATA I 图画画图图图图图图图图图图图图图图图图图图图图图图图图图图图图图图图图图	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Jacinto City 1995  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Alatural Resources Conservation Service Soil Survey: Harris County Digital NRCS  National wetlands inventory maps: Jacinto City, 1999  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): Harris County FEMA 2002 LOMR Map  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): January, 1995  Other photographs (Date):  Advanced Identification Wetland maps: Site visit/determination conducted on:
	Applicable/supporting case law: Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** SWG **FILE NUMBER:** D-16789

	Sta Cor Cer App Nar	unty: nter coordin	Texas Montgo ates of s ize of ar st water	mery ite (latitude ea (parcel) way: Caney	e/longitude reviewed,	including	30.1382; 95.20377 g uplands: 8 acres.			
		DICTIONA mpleted:		determina		X I	Date: 07 April 2005 Date(s):			
	Jur	isdictional	Determ	ination (J	D):					
	B	United Sta	ites" and	Based on av Vor "naviga R part 331)	able water	formation s of the U	there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable			
ļ	Ø	Approved Check all t	JD - At that app	ı approved ly:	JD is an a	ppealable	action (Reference 33 CFR part 331).			
		There of the review	are "nav ed area.	rigable wate Approxim	ers of the late size of	United Sta f jurisdict	ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:			
		There a reviewed a	<i>re</i> "wat rea. Ap	ers of the U	Jnited Star size of jur	tes" (as d	efined by 33 CFR part 328 and associated guidance) within the l area:			
		There of	ire "isoi 1	lated, non-in- Decision Jurisdiction	supported	intra-stat by SWA	te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No			
BASI	s c	F JURISD	ICTIO	NAL DET	ERMINA	TION:				
	۸. آگا	The presen	ce of wa	iters that ar	e subject t	to the ebb	vigable waters of the United States":  and flow of the tide and/or are presently used, or have been used in t interstate or foreign commerce.			
I	B.									
max I was		<ul> <li>(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): <ul> <li>(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.</li> <li>(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.</li> <li>(iii) which are or could be used for industrial purposes by industries in interstate commerce.</li> </ul> </li> <li>(4) Impoundments of waters otherwise defined as waters of the US.</li> <li>(5) The presence of a tributary to a water identified in (1) – (4) above.</li> <li>(6) The presence of territorial seas.</li> <li>(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.</li> </ul>								
							•			

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Caney Creek, and its tributaries are waters of the United States.

2 FILE NUMBER: D-16789 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).

Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. П  $\Box$ Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or П Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for П the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Splendora, 1995 U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles:
USDA Natural Resources Conservation Service Soil Surv USDA Natural Resources Conservation Service Soil Survey: Digital Montgomery County NRCS X O National wetlands inventory maps: Splendora, 1999 State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Montgomery County FEMA Q3 100-year Floodplain Elevation is: Aerial Photographs (Name & Date): January, 1995

Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: SWG** FILE NUMBER: D-16380

DD	$\alpha$	TO T	T	$\Omega C$	TT	ON	INE	ODI	ÆΑ	TION:
ГК				A JL ./			113	UKN	/ F 🕰	

State:

Texas

County:

**Harris County** 

Center coordinates of site (latitude/longitude):

29.65145; 95.19428

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Vince Bayou Name of watershed: Vince Bayou

# JURISDICTIONAL DETERMINATION

**Completed:** Desktop determination

Date: 06 April 2005

Site visit(s)

Date(s): 06 April 2005

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the or the content of the content o
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Material There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .08-acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which	are currently used,	or were used in the past	or may be susceptible to use in
interstate or foreign commerce, in			

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Vince Bayou and its adjacent wetlands are waters of the United States.

I	ateral Ex	tent of Jurisdiction: (Reference: 33 CFR parts 3:	26 cm 4 2	20)	FILE NUMBER: D-16	380			
		ary Fligh Water Mark indicated by: lear, natural line impressed on the bank		High	th Tide Line indicated by:  oil or scum line along shore objects				
		he presence of litter and debris hanges in the character of soil			fine shell or debris deposits (foreshore)				
	☐ d	estruction of terrestrial vegetation		H	physical markings/characteristics tidal gages				
	∐ sl	helving		Ħ	other:				
	<u> </u>	ther:		_					
E	Mean H ☐ surv	High Water Mark indicated by: vey to available datum;	] vegetat	ion	lines/changes in vegetation types.				
Σ		d boundaries, as shown on the attached wetland d							
В	asis For N	ot Asserting Jurisdiction:							
E	The rev	riewed area consists entirely of uplands.			,				
<u>.</u>	Unable	to confirm the presence of waters in 33 CFR part	328(a)(1	1, 2,	, or 4-7).				
	Headqu The Co	larters declined to approve jurisdiction on the basi	c of 33 (	TD.	nort 200 2(a)/2)				
<b>3</b>	United	rps has made a case-specific determination that the States:	e follow	ing	waters present on the site are not Waters of the				
		Waste treatment systems, including treatment pon	rds or lac	OOT	ns pursuant to 22 CED now 220 2				
	ه لسا	Antificially inigated areas, which would revert to	upland i	fthe	e irrigation cased				
	LJ 4	Aftificial lakes and ponds created by excavating a	ınd/or dil	kino	order land to collect and				
		retain water and which are used exclusively for su	ich purpo	oses	s as stock watering, irrigation, settling basins, or				
	not growing.								
	Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.								
	water-filled depressions created in dry land incidental to construction activity and nite annual to								
	-	are purpose of obtaining int, said, or graver unless	s and uni	til fr	he construction or exequation enametics:				
		sound offer and the resulting body of water meets t	the defin	itior	n of waters of the United States found at 33 CFR				
		20.5(u).							
	i i	solated, intrastate wetland with no nexus to inters Prior converted cropland, as determined by the Na	tate com	mer	rces Conservation Service Fundament				
	_								
		Non-tidal drainage or irrigation ditches excavated Other (explain):	on dry la	and.	. Explain rationale:				
DATA 1	REVIEWI	ED FOR HIDSIDICTIONAL PRITISES							
Ø	iviaps, pi	ED FOR JURSIDICTIONAL DETERMINATI ans, plots or plat submitted by or on behalf of the	annlican	irk:	all that apply):				
×	Data shee	ets prepared/submitted by or on behalf of the apple	icant						
	X This	office concurs with the delineation report, dated 2	23 July 2	004	f, prepared by (company): Berg-Oliver				
30		office does not concur with the delineation report ets prepared by the Corps.	t, dated		, prepared by (company):				
靣	Corps' na	avigable waters' studies:							
	U.S. Geo	logical Survey Hydrologic Atlas:							
Ø	U.S. Geo	logical Survey 7.5 Minute Topographic maps: Pas	sadena C	ouad	11995				
	U.S. Geor	logical Survey 7.5 Minute Historic quadrangles:	•						
	U.S. Geol	logical Survey 15 Minute Historic quadrangles:							
<b>X</b>	National v	atural Resources Conservation Service Soil Surve wetlands inventory maps: Pasadena Quad, 1999	y: Harris	s Co	ounty Digital NRCS				
菌	State/Loc	al wetland inventory maps:							
	FEMA/FI	IRM maps (Map Name & Date): Harris County FI	EMA O3		•				
	100-year	Floodplain Elevation is: (NGVD)							
	Aerial Pho	otographs (Name & Date): January, 1995							
	Other pho	otographs (Date):							
胃	Site visit/	Identification Wetland maps: determination conducted on:							
		e/supporting case law:							
		ormation (please specify):							

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: SWG** FILE NUMBER: D-16301

#### PROJECT LOCATION INFORMATION:

State:

Texas

County:

Jefferson

Center coordinates of site (latitude/longitude):

413728; 3308592

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Sabine-Neches Waterway

Name of watershed:

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 05 November 2004

Site visit(s)

Date(s): 30 March 2005

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, A there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Sabine-Neches Waterway is a navigable water of the United States, the porject site lies within the 100 year floodplain, and has a hydrologic surface connection as such.

FILE NUMBER: D-16301

Ι.	teral Extent	t of Jurisdiction: (Referen	00: 22 CED marks 220	- 1330)	TILE ITOMB	EK: D-1030			
	Ordinary I	High Water Mark indicated	ee: 33 CFR parts 328 ; by:		h Tide Line indicated by:				
	clear clear	, natural line impressed on	the bank		oil or scum line along shore objects				
		resence of litter and debris			fine shell or debris deposits (foreshor	re)			
	L chan	ges in the character of soil			physical markings/characteristics	,			
		uction of terrestrial vegetar	ion		tidal gages				
	shelv other				other:				
	☐ other	•							
	Mean High	Water Mark indicated by							
	survey	to available datum; 🔲 ph	ysical markings; 🔲 v	egetation	lines/changes in vegetation types.				
	v				• • •				
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation repo								
		Asserting Jurisdiction:							
	The review	ed area consists entirely of	uplands.						
	Unable to (	confirm the presence of wa	iers in 33 CFR part 32	8(a)(1, 2,	or 4-7).				
<u> </u>	The Corps	ers declined to approve juri	sdiction on the basis o	1 33 CFR	part 328.3(a)(3).				
,	United Stat	ies:	etermination that the r	ollowing	waters present on the site are not Water	rs of the			
	☐ Wa	ste treatment systems, incl	uding treatment ponds	or lagoor	ns, pursuant to 33 CFR part 328.3.				
	Art:	ificially irrigated areas, wh	ich would revert to up	land if the	e irrigation ceased.				
	☐ Arti	ificial lakes and ponds crea	ited by excavating and	or diking	g dry land to collect and				
	reta	in water and which are use growing.	d exclusively for such	purposes	s as stock watering, irrigation, settling	basins, or			
	☐ Arti	ficial reflecting or swimm	ing pools or other sma	ll omame	ental bodies of water created				
	_ by e	excavating and/or diking di	y land to retain water:	for prima	rily aesthetic reasons.				
	∐ Wat	ter-filled depressions creat	ed in dry land incident	al to cons	struction activity and pits excavated in	dry land for			
	the	purpose of obtaining fill, s	and, or gravel unless a	nd until tl	he construction or excavation operation	n is			
	2021	ndoned and the resulting be .3(a).	ody of water meets the	definition	on of waters of the United States found	at 33 CFR			
		ated, intrastate wetland wit	h no nevus to interstat	a aamma	****				
		r converted cropland, as de	etermined by the Natur	al Resour	rces Conservation Service. Explain rati	ionale:			
	_								
	Oth	i-tidal drainage or irrigation er (explain):	i ditches excavated on	ary land.	. Explain rationale:				
		().							
DATA I	REVIEWED	FOR JURSIDICTIONA	L DETERMINATIO	N (mark	all that anniv).				
<u>X</u>	Maps, plans	, plots or plat submitted by	or on behalf of the an	plicant.	an that apply).				
	Data sheets	prepared/submitted by or or	on behalf of the application	int.					
	☐ This of	fice concurs with the deline	ation report, dated	, prepa	ared by (company):				
	Data shoots	fice does not concur with the	ie delineation report, d	lated	, prepared by (company):				
胃		prepared by the Corps. gable waters' studies:							
菌		ical Survey Hydrologic At	las:						
X	U.S. Geolog	cical Survey 7.5 Minute To	pographic mans: 1999						
	U.S. Geolog	ical Survey 7.5 Minute Hi	storic quadrangles:						
	U.S. Geolog	ical Survey 15 Minute His	toric quadrangles:						
<b>M</b>	USDA Natu	ral Resources Conservation	1 Service Soil Survey:	Jefferson	County Digital NRCS				
×	National we	tlands inventory maps: Jeff	erson County Digital 1	NWI	-				
		wetland inventory maps:	\						
	100-year Flo	M maps (Map Name & Dat odplain Elevation is:		EMA Q3	i e				
		graphs (Name & Date): Ja	(NGVD)						
	Other photos	graphs (Date):							
園	Advanced Id	lentification Wetland maps	:						
	Site visit/det	ermination conducted on:							
	Applicable/s	upporting case law:							
	Other inform	nation (please specify):							

<sup>&</sup>lt;sup>I</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

FILE N PROJE Sta	ICT OFFICE: CESWG IUMBER: D-16511 ICT LOCATION INFORMATION: ate: Texas
Ce Ap Na	nunty: Orange nter coordinates of site (latitude/longitude): 30° 08' 07"N, 94° 00' 21"W proximate size of area (parcel) reviewed, including uplands: _80 -acres me of nearest waterway: Anderson Gully me of watershed: Upper Neches River
	mpleted: Desktop determination Site visit(s)  Date: 04-14-05 Date(s): 01-07-05
Jui	risdictional Determination (JD):
5	Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS (	OF JURISDICTIONAL DETERMINATION:
	Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters including interstate wetlands <sup>1</sup> .
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
Francis	(iii) which are or could be used for industrial purposes by industries in interstate commerce.
	<ul> <li>(4) Impoundments of waters otherwise defined as waters of the US.</li> <li>(5) The presence of a tributary to a water identified in (1) – (4) above.</li> </ul>
Ĭ	(6) The presence of territorial seas.
	(7) The presence of wetlands adjacent <sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Anderson Gully is primary tributary to the Neches River, a navigable water of the US.

FILE NUMBER:

D-16511

Lat	Ordinary High Water Mark indicated by:    Clear, natural line impressed on the bank   Diagram of the presence of litter and debris   Diagram of the character of soil   Diagram of the character of the charac
B	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
×	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Berg Oliver Associates, Inc.
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  □ This office concurs with the delineation report, datedMarch 4, 2005, prepared by (company):  □ Berg Oliver, Associates, Inc.  □ This office does not concur with the delineation report, dated, prepared by (company):  □ Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Texla 1974  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey: Jefferson and Orange County Soil Survey National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): Jefferson County, Jan 6, 1983  100-year Floodplain Elevation is:  Aerial Photographs (Name & Date): 1995 CIR,  Other photographs (Date): Site photos in report  Advanced Identification Wetland maps:  Site visit/determination conducted on: January 7, 2005  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG** 

FILE N	UMBER:	23738		
Sta Cor Cer App Nai	te: inty: iter coordi proximate	ATION INFORMATION: Texas Calhoun inates of site (latitude/longitu size of area (parcel) reviewe est waterway: Carancahua B ershed: Huc Code: 12106	d, including	28° 40' 19" N, 96° 24' 59" W g uplands: 0.166 acres. ral Matagorda Bay
		AL DETERMINATION Desktop determination Site visit(s)	×	Date: 13 April 2005 Date(s):
Jur	isdictiona	al Determination (JD):		
	United S			n, there appear to be (or) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
×		ed JD - An approved JD is ar ll that apply:	appealable	e action (Reference 33 CFR part 331).
		e are "navigable waters of the wed area. Approximate size		tates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
		e are "waters of the United S d area. Approximate size of		defined by 33 CFR part 328 and associated guidance) within the hal area:
	■ There			ate waters or wetlands" within the reviewed area.  ANCC/Migratory Bird Rule Information Sheet for Determination of No
BASIS (A.	Waters The pres	ence of waters that are subje	t <b>329 as "n</b> ect to the eb	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.
B.	(1) The printerstate (2) The printers (3) The printers (3) The printers and flats destruction	presence of waters, which are e or foreign commerce, inclu presence of interstate waters presence of other waters such s, wetlands, sloughs, prairie p ion of which could affect inte	e currently ding all wa including in as intrasta potholes, we erstate comme	used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide. Interstate wetlands. Interstate wetlands. Interstate wetlands intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency

determination: Carancahua Bay is subject to the ebb and flow of the tides and is a navigable wtare of the United States.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

2 **FILE NUMBER: 23738** Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service, Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. , prepared by (company): This office concurs with the delineation report, dated ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies:

U.S. Geological Survey Hydrologic Atlas:

U.S. Geological Survey 7.5 Minute Topographic maps: Olivia Quadrangle

U.S. Geological Survey 7.5 Minute Historic quadrangles:

U.S. Geological Survey 15 Minute Historic quadrangles:

U.S. Geological Survey 15 Minute Historic quadrangles:

USDA Natural Resources Conservation Service Soil Survey:

National wetlands inventory maps: Olivia Quadrangle

State/Local wetland inventory maps:

FEMA/FIRM maps (Map Name & Date):

100-year Floodplain Elevation is: (NGVD)

Aerial Photographs (Name & Date):

Other photographs (Date):

Advanced Identification Wetland maps:

Site visit/determination conducted on:

Applicable/supporting case law: Corps' navigable waters' studies:

Applicable/supporting case law: Other information (please specify):

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.



Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

**DISTRICT OFFICE: CESWG** FILE NUMBER: 23751

ΡI	RO	TECT	LOCA	TION	INFOR	MATION.
F.	NU		IAH.A		INTERRI	VIA FILIPINO

State:

Texas

County:

Galveston

Center coordinates of site (latitude/longitude):

UTM 15 298329E 3223989N (NAD27) Sea Isle

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Galveston West Bay Name of watershed: Galveston West Bay

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 4/4/05

Date(s):

Site visit(s)

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq \text{ there appear to be no "waters of the appear to be no be United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(2) The presence of interstate waters including interstate wettands.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project is located on Galvest West Bay.

2 FILE NUMBER: 23751 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by:

Clear, natural line impressed on the bank High Tide Line indicated by:

clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: of or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: Plans
Mean High Water Mark indicated by:  survey to available datum; physical markings; vegetation lines/changes in vegetation types.  Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the Julied States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and
retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
VIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  laps, plans, plots or plat submitted by or on behalf of the applicant.  at a sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  at a sheets prepared by the Corps.  Orps' navigable waters' studies:  S. Geological Survey Hydrologic Atlas:  S. Geological Survey 7.5 Minute Topographic maps:  S. Geological Survey 7.5 Minute Historic quadrangles:  S. Geological Survey 15 Minute Historic quadrangles:  S. A Sological Survey 15 Minute Historic quadrangles:  S. Geological Survey 15 Minute Historic soll Survey:  ational wetlands inventory maps:  atter/Local wetland inventory maps:  atter/Local wetland inventory maps:  atter/Local wetland inventory maps:  A MAFIRM maps (Map Name & Date):  O-year Floodplain Elevation is: (NGVD)  arial Photographs (Name & Date):  her photographs (Date):  vanced Identification Wetland maps:  te visit/determination conducted on:  uplicable/supporting case law:  her information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG** FILE NUMBER: SWG-05-33-004

#### PROJECT LOCATION INFORMATION:

State:

Texas

County:

Galveston

Center coordinates of site (latitude/longitude):

UTM 15, 318742E, 3240940N

Approximate size of area (parcel) reviewed, including uplands: 0.07 acres.

Name of nearest waterway: Galveston Bay Name of watershed: Galveston Bay

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 2 Mar 2005

Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \sum \) there appear to be (or) \( \sum \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(2) The presence of interstate waters metuding interstate wetters, streams (including intermittent streams), mudflats,

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetland is contiguous with Wetland 3 depicted in the wetland delineation for the Galveston Causeway project (ref D-12451)

FILE NUMBER: SWG-05-33-004 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Texas Department of Transportation Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated 15 Jun 2001, prepared by (company): TXDOT This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Galveston U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 DOOO Other photographs (Date): 28 Feb 2005 from applicant Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

#### JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

	UMBER: 12692(02)
Stat Cou Cer App Nar	CT LOCATION INFORMATION:  te: Texas unty: Brazoria  ter coordinates of site (latitude/longitude): 29° 04' 39" W, 95° 40' 54" N proximate size of area (parcel) reviewed, including uplands: 0.063 acres.  me of nearest waterway: San Bernard River me of watershed: Huc Code: 12090401, San Bernard
	DICTIONAL DETERMINATION  mpleted: Desktop determination
Jur	risdictional Determination (JD):
	Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of Non-Jurisdiction.
BASIS (	OF JURISDICTIONAL DETERMINATION:  Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands <sup>1</sup> .  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(6) The presence of territorial seas.
(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands. Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above.

waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The San Bernard River is a navigable water of the United States and is subject to the ebb and flow of the tide

in its lower reaches.

FILE NUMBER: 12692(02)
ral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:    Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation shelving other:
Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
Aviewed For Jursidictional Determination (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  J.S. Geological Survey Hydrologic Atlas:  J.S. Geological Survey 7.5 Minute Topographic maps: Sweeny Quadrangle  J.S. Geological Survey 7.5 Minute Historic quadrangles:  J.S. Geological Survey 15 Minute Historic quadrangles:  J.S. Geological Survey 15 Minute Historic quadrangles:  J.S. Geological Survey 15 Minute Historic quadrangles:  J.S. Geological Survey 16 Minute Historic quadrangles:  J.S. Geological Survey 17 Minute Historic quadrangles:  J.S. Geological Survey 18 Minute Historic quadrangles:  J.S. Geological Survey 19 Minute Historic quadrangles:  J.S. Geological Survey 19 Minute Historic quadrangles:  J.S. Geological Survey 10 Minute

BB

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG	
FILE NUMBER: 23746	

	CHIDDRE 25740		
Sta Co Ce Ap Na	ACT LOCATION INFORMATION: ate: Texas unty: Galveston nter coordinates of site (latitude/longitude) proximate size of area (parcel) reviewed me of nearest waterway: Moses Lake me of watershed: West Galveston Bay	đe): 29° 2 I, includi	25' 20"N, 94° 55' 25"W (NAD27) ng uplands: <u>0.024</u> acre.
	DICTIONAL DETERMINATION mpleted: Desktop determination Site visit(s)		Date: 11 April 2005 Date(s):
Jui	risdictional Determination (JD):		
37 C	Preliminary JD - Based on available in United States" and/or "navigable wate (Reference 33 CFR part 331).	nformations of the	on, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
	Approved JD – An approved JD is an Check all that apply:	appealab	le action (Reference 33 CFR part 331).
	There are "navigable waters of the the reviewed area. Approximate size of	United S of jurisdic	States" (as defined by 33 CFR part 329 and associated guidance) within ctional area:0.024 acre
	There are "waters of the United Stareviewed area. Approximate size of ju	ates" (as irisdiction	defined by 33 CFR part 328 and associated guidance) within the nal area:
	There are "isolated, non-navigable Decision supported Jurisdiction.	e, intra-st d by SW	tate waters or wetlands" within the reviewed area.  ANCC/Migratory Bird Rule Information Sheet for Determination of No.
<b>A.</b>	OF JURISDICTIONAL DETERMINA Waters defined under 33 CFR part 3 The presence of waters that are subject the past, or may be susceptible for use	329 as "n to the eb	navigable waters of the United States":  bb and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
B.	interstate or foreign commerce, includi  (2) The presence of interstate waters in  (3) The presence of other waters such a sandflats, wetlands, sloughs, prairie po destruction of which could affect inters  (i) which are or could be used by i  (ii) from which fish or shellfish are	currently ing all wa icluding i as intrasta tholes, w state com interstate or could r industri	used, or were used in the past, or may be susceptible to use in aters which are subject to the ebb and flow of the tide. interstate wetlands. ate lakes, rivers, streams (including intermittent streams), mudflats, wet meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. d be taken and sold in interstate or foreign commerce. all purposes by industries in interstate commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed project is located in Moses Lake, a tidally influenced tributary of Galveston Bay.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

	Ordinary High Water Man 1 1 1 1 1 1 1 1 1 1	
		High Tide Line indicated by:
	clear, natural line impressed on the bank the presence of litter and debris	
	changes in the character of soil	fine shell or debris deposits (foreshore)
	destruction of terrestrial vegetation	physical markings/characteristics
	shelving	tidal gages
	other:	Applicant supplied information.
85	Mean High Water Mark indicated by:	
	survey to available datum;   physical m	arkings;  vegetation lines/changes in vegetation types.
ŽŽ	Wetland boundaries, as shown on the attached	wetland delineation map and/or in a delineation report prepared by:
Ba	sis For Not Asserting Jurisdiction:	•
2.24 5.24	The reviewed area consists entirely of uplands	
	Unable to confirm the presence of waters in 33	CFR part 328(a)(1, 2, or 4-7).
55	Headquarters declined to approve jurisdiction	on the basis of 33 CFR part 328 3(a)(3)
	The Corps has made a case-specific determina United States:	tion that the following waters present on the site are not Waters of the
	☐ Waste treatment systems, including tre	atment ponds or lagoons, pursuant to 33 CFR part 328.3.
	Affilicially irrigated areas, which would	d revert to upland if the irrigation ceased
	Artificial lakes and ponds created by e	cavating and/or diking dry land to collect and
	retain water and which are used exclus rice growing.	ively for such purposes as stock watering, irrigation, settling basins, or
		or other small ornamental bodies of water created
	by excavating and/or diking dry land to	retain water for primarily aesthetic reasons.
		land incidental to construction activity and nits excavated in dry land for
	the purpose of obtaining fill, sand, of g	Tavel unless and until the construction or excavation operation is
	availubled and the resulting body of w	ater meets the definition of waters of the United States found at 33 CFR
	320.3(a).	
	Isolated, intrastate wetland with no nex	as to interstate commerce.
	Prior converted cropland, as determined	by the Natural Resources Conservation Service. Explain rationale:
	Other (explain):	excavated on dry land. Explain rationale:
	Guier (explain).	·
DATA R	EVIEWED FOR JURSIDICTIONAL DETE	RMINATION (mark all that apply):
	Maps, plans, plots or plat submitted by or on be	half of the annlicant
iba i	Data sheets prepared/submitted by or on behalf	
	This office concurs with the delineation rep  This office does not concur with the deline	
537	This office does not concur with the deline. Data sheets prepared by the Corps.	ation report, dated, prepared by (company):
<u> </u>	Corps' navigable waters' studies:	
	U.S. Geological Survey Hydrologic Atlas:	
	U.S. Geological Survey 7.5 Minute Topographi	c mans:
	U.S. Geological Survey 7.5 Minute Historic qua	drangles:
998 83a	U.S. Geological Survey 15 Minute Historic qua	drangles:
23	USDA Natural Resources Conservation Service	Soil Survey:
×.	National wetlands inventory maps:	·
60.00 90.00	State/Local wetland inventory maps:	
7 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	FEMA/FIRM maps (Map Name & Date):	
10.2 17.3	100-year Floodplain Elevation is: (NGVI Aerial Photographs (Name & Date):	")
	Other photographs (Date):	
	Other photographs (Date): Advanced Identification Wetland maps:	
	Site visit/determination conducted on:	
	Applicable/supporting case law:	
22	Other information (please specify):	
	(Frame openity).	

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG FILE NUMBER: 23672

#### PROJECT LOCATION INFORMATION:

State:

Tx

County: Harris

Center coordinates of site (latitude/longitude):

UTM 278017E; 3293131 N

Approximate size of area (parcel) reviewed, including uplands: .36 acres.

Name of nearest waterway: Buffalo Bayou Name of watershed: Buffalo Bayou

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 4/11/05

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
    - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23672

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

### JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

FILE	NU	CT OFFICE: JMBER: CT LOCATION	CESWG D-14513/02 INFORMATION:			
	State					
(	Cou	nty: Jeffers	son			
1	App Van	roximate size of ne of nearest wate	f site (latitude/longitud area (parcel) reviewed erway: Sabine-Neches Lower Sabine Neche	l, includin		06"N, 93° 57' 41"W N/A-acres
1	чан	le of watershed.	Lower Saume Neeme	3		
JURI	SD	ICTIONAL DE	TERMINATION			
•	Con	npleted: Deskt	op determination	Ø	Date:	04-11-05
		Site v	isit(s)		Date(s):	
J	Juri	sdictional Deter	mination (JD):			
		Preliminary JD United States" a (Reference 33 C	ınd/or "navigable wate	nformation ers of the U	n,	ppear to be (or) there appear to be no "waters of the" on the project site. A preliminary JD is not appealable
I	Ø	Approved JD – Check all that ap		appealabl	e action (Ref	erence 33 CFR part 331).
			navigable waters of the ea. Approximate size			ined by 33 CFR part 329 and associated guidance) within
			vaters of the United St Approximate size of ju			3 CFR part 328 and associated guidance) within the .11-acre
		█ There are "i				wetlands" within the reviewed area. tory Bird Rule Information Sheet for Determination of No.
RASI	s o	F JURISDICT	IONAL DETERMIN	ATION:		
					avigable wat	ters of the United States":
	Ø	The presence of	waters that are subject be susceptible for use	t to the eb	b and flow of	f the tide and/or are presently used, or have been used in
1	3.	Waters defined	under 33 CFR part	378 3(a) a	e "waters of	the United States":
						used in the past, or may be susceptible to use in
*		interstate or fore	eign commerce, includ	ing all wa	ters which ar	e subject to the ebb and flow of the tide.
I			e of interstate waters is			
l						rs, streams (including intermittent streams), mudflats,
		sandflats, wetlar	nds, sloughs, prairie po	otholes, w	et meadows,	playa lakes, or natural ponds, the use, degradation or
						ing any such waters (check all that apply):
						velers for recreational or other purposes.
						d sold in interstate or foreign commerce.
ī	ė i					y industries in interstate commerce.
Į.			nts of waters otherwise e of a tributary to a wa			
ľ			e of a tribulary to a wa e of territorial seas.	ici idenili	.cu iii (1) – (1	τ) αυστο.
l		(7) The presence	e of wetlands adjacent	to other	waters of the	US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The Sabine-Neches Waterway is a navigable water of the US and the wetlands are subject to the ebb and flow of the daily tides covered under Section 404 and 10.

FILE NU	MBER:
---------	-------

D-14513/02

La [	Ordinary High Water Mark indicated by:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Ho	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: orizon Environmental Services, Inc.
Ba	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, datedMarch 17, 2005, prepared by (company): Horizon mental Services, Inc.  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Port Arthur South, 1974  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic application Service Soil Survey:  Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps: Port Arthur South, 1987  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is:  Aerial Photographs (Name & Date):  2002 GLO CIR  Other photographs (Name & Date):  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify): D-14513

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.